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12 HARTFORD LIFE INSURANCE COMPANY
13 and HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY
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15 UNITED STATES DISTRICT COURT
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17 NORTHERN DISTRICT OF CALIFORNIA
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19 VICKI CAPRIO and DUANE A.
20 BARBAROTTO as decedent Nicholas J.
21 Barbarotto's Successor in Interest,

22 Plaintiff,

23 v.

24 HARTFORD LIFE INSURANCE
25 COMPANY, a corporation doing business
26 as THE HARTFORD and HARTFORD
27 LIFE AND ACCIDENT INSURANCE
28 COMPANY, and DOES 1 through 20,
inclusive,

Defendants.

CASE NO. C 08-0338 CW

**[PROPOSED] ORDER GRANTING
DEFENDANTS HARTFORD LIFE
INSURANCE COMPANY AND
HARTFORD LIFE AND ACCIDENT
INSURANCE COMPANY'S MOTION TO
DISMISS PLAINTIFF'S COMPLAINT**

JUDGE: Hon. Claudia Wilken
CTRM: 2, 4th Floor
DATE: March 6, 2008
TIME: 2:00 p.m.

21 Defendants Hartford Life Insurance Company's and Hartford Life and Accident
22 Insurance Company's (jointly "Hartford") motion to dismiss plaintiffs Vicki Caprio and Duane
23 A. Barbarotto, as decedent Nicholas J. Barbarotto's Successor in Interest's ("plaintiffs")
24 complaint in its entirety came on regularly for hearing before this Court on March 6, 2008 at
25 2:00 p.m. in Courtroom 2, 4th Floor, the Honorable Claudia Wilken presiding. All parties
26 appeared through counsel. After full consideration of the parties' papers, the declarations and
27 the evidence submitted, and the oral argument of counsel, this Court orders as follows:
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1 IT IS HEREBY ORDERED that Hartford's motion to dismiss plaintiffs' complaint is
2 GRANTED. The claims asserted by plaintiffs in their complaint were dismissed with prejudice
3 on October 19, 2006 by this court in *Nicholas J. Barbarotto, individually and as Trustee of the*
4 *Nicholas J. Barbarotto Revocable Living Trust Agreement dated November 2, 2005, Plaintiff vs.*
5 *Hartford Life Insurance Company, a corporation, doing business as The Hartford and Hartford*
6 *Life and Accident Insurance Company, and Does 1-10, Defendants, Case No. C06-1278.*
7 Plaintiffs' complaint is barred by *res judicata*. Plaintiffs' complaint is hereby dismissed with
8 prejudice.

9 DATED:

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11 HONORABLE CLAUDIA WILKEN
12 UNITED STATES DISTRICT JUDGE
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